

H.R. 4040

The “Consumer Product Safety Modernization Act”

- **Creates the TOUGHEST lead standard in the world for children’s products.** The bill bans lead beyond a minute amount in products intended for children under 12. Once fully phased in, the bill would lower the standard from 600 parts per million to 100 parts per million or trace amounts. It also mandates that the Consumer Product Safety Commission (CPSC) periodically review and revise this standard to require the *lowest amount of lead that science and technology makes feasible to achieve (e.g., 40 parts per million or lower)*.
- **Requires Mandatory Safety Standards for Nursery Products (e.g., Cribs and High Chairs) and After Review for Toys.** The bill requires the CPSC to examine the current voluntary safety standards for toys, starting with dangerous magnets, and if found to be inadequate, mandatory standards must be adopted.
- **Requires Mandatory Third-Party Testing of Children’s Products.** The bill mandates pre-market testing of many children’s products for lead and other hazards by certified laboratories.
- **Requires Tracking Labels to Aid Recalls.** The bill requires manufacturers to place distinguishing marks on products and packaging of children’s products to aid in recall of children’s products.
- **Prohibits the Sale and Export of Recalled Products.** The bill prohibits the export of products that violate U.S. consumer product safety rules, are subject to mandatory or voluntary recalls, are designated an imminent hazard to public health and safety, or are designated as a banned hazardous substance. Similarly, the bill makes the domestic sale of such products a prohibited act.
- **Improves Public Notice.** The bill improves public notice about recalls by publicly disseminating recall information through the Internet, radio, and television.

- **Protects Rights of Injured Consumers to Sue Bad Actors.** The bill prohibits the CPSC from using agency rulemaking actions to preempt State common law claims.
- **Strengthens Enforcement Against Bad Actors.** The bill increases the cap on civil penalties to \$10 million and authorizes State attorneys general to enforce the law.
- **Strengthens the Consumer Product Safety Commission.** The bill creates a new power for CPSC to immediately share information about dangerous products with the public and ensures State public health agencies are kept informed.
- **Provides CPSC with Urgently Needed Resources.** The bill significantly increases CPSC resources to hire additional staff and for laboratory renovations, including \$20 million to modernize the testing lab. The bill allots \$80 million for FY2009, \$90 million for FY2010 and \$100 million for FY2011.
- **Restores CPSC to Full Panel of Five Commissioners.**
- **Bans Industry-Sponsored Travel.** The bill bans travel by CPSC Commissioners and staff that is paid for by an organization regulated by the CPSC.